

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

2.8 -09- 2004

Applicant's or agent's file reference
E35594 JFL/J

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/NO 2004/000140

International filing date (day/month/year)

11.05.2004

Priority date (day/month/year)

12.05.2003

International Patent Classification (IPC) or both national classification and IPC

B62M 3/08

Applicant

Flexipex AS et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further opinions, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/SE

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Form PCT/ISA/237 (cover sheet) (January 2004)

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-12, 14-16, 18-19	YES
	Claims	13, 17	NO
Inventive step (IS)	Claims	1-12, 18, 19	YES
	Claims	13-16	NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims		NO

2. Citations and explanations:

Reference is made to the following documents :

D1: US 4488453 A1
D2: US 5860330 A1
D3: WO 0068067 A1
D4: US 4599915 A1

The cited documents D1 and D2 represent the general state of the art.

The invention defined in claims 1-12 is not disclosed by any of these documents.

The cited prior art does not give any indication that would lead a person skilled in the art to the claimed pedal device and device for attachment to a bicycle shoe as stated in claims 1-12. Therefore, the invention claimed in claims 1-12 is not obvious to a person skilled in the art.

Accordingly, the invention defined in claims 1-12 is novel and is considered to involve an inventive step. The invention is industrially applicable.

The independent claim 13 relates to a pedal device comprising a first foot engagement part for use during the performance of conventional training exercise and a second pedal part that is tiltably secured to the first pedal part. D3 reveals a pedal device constructed in a similar way to the pedal device defined in claim 13. Therefore, the invention according to claim 13 lacks novelty. The subject

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Box No. VII Certain defects in the international application

The following defects in the form or content of the international application have been noted:

The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawing or on the question whether the claim are fully supported by the description, are made:

Although claims 1, 5, 7, 10, 13, and 17 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Hence, claims 1, 5, 7, 10, 13 and 17 do not meet the requirements of Article 6 PCT.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of: BOX V.

matter in the dependent claims 14-16 only involves subject matter obvious to a person skilled in the art.

Document D4 discloses a pedal device comprising a foot engagement part that is tiltably secured to the pedal shaft and provided with adjustable means in the form of bolts that in a first loose position allow the tiltability of the foot engagement part and in a second locked position lock the foot engagement part against tilting motion. The subject matter in the independent claim 17 does not differ from the pedal device according to D4. Therefore, the invention according to claim 17 lacks novelty. On the other hand, the invention according to the dependent claims 18 and 19 is not disclosed in D4 and is not considered obvious to a person skilled in the art.

The invention according to claims 1-19 is considered to have industrial applicability.